REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and following remarks is respectfully requested.

Claims 1, 5-19, 25, 28-35, 39-44, and 47-50 are pending in this application. By this amendment, Claims 1, 25, 35, 39, 44 and 47 are amended; Claims 2-4, 20-24, 26-27, 36-38 and 45-46 are canceled; and no claims are added herewith. It is respectfully submitted that no new matter is added by this amendment.

With respect to the Information Disclosure Statement (IDS) filed 7/11/03, the references listed therein were filed with an English abstract. As discussed in MPEP 609.04(a) III, submission of an English language abstract of a reference may fulfill the requirement for a concise explanation of the relevance of the reference. Accordingly, it is respectfully requested that the Examiner consider the references filed in the 1/11/03 IDS.

In the outstanding Office Action, Claims 1-11, 15-19, 25-28, 30-31, 33-47 and 49-50 were rejected under 35 U.S.C. § 102(b) or in the alternative under 35 U.S.C. § 103 as obvious over U.S. Patent No. 6,330,341 to Mcfarlane; Claims 1-11, 15-19, 25-31 and 33-50 were rejected under 35 U.S.C. § 102(e) or in the alternative under 35 U.S.C. § 103(a) as obvious over U.S. 2002/0010556 to Marapane; Claims 1-11, 15-19, 25-28, 30-31, 33-47 and 49-50 were rejected under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) as obvious over U.S. 2004/0000015 to Grossinger; Claims 1-11, 15-19 and 25-50 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. 2005/0036677 to Ladjevardi in view of U.S. 2003/0060925 to Bartholomew; Claims 13-15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Marapane, Grossinger, McFarlane, Marapane, Ladjevardi, Bartholomew and further in view of U.S. Patent No. 6,702,863 to Onuki; Claims 29, 32 and 48 were rejected under 35 U.S.C. § 103(a) as unpatentable over Marapane and further in view of U.S. Patent No. 6,719,565 to

Saita; and Claim 32 was rejected under 35 U.S.C. § 103(a) as unpatentable over Marapane and Saita.

It is respectfully submitted that the applied art does not teach or suggest determining a dye product for obtaining a theoretical coloration that differs from the target coloration by not more than a predetermined theoretical value, as recited in Claim 1 and similarly recited in the remaining independent claims.

In contrast, Ladjevardi discusses a process in which the customer inputs the desired hair coloration. Then, the correct box of hair color is recommended or the type and quantity of undertone that must be mixed is also recommended. The process of Ladjevardi includes a color determination step according toe which a composition of a hair coloring product is calculated.

Macfarlane discusses a process for determining a hair coloring product by analyzing the actual color of the person's hair at several sites, selecting an action to achieve a desired hair treatment, and identifying from a database the product that can be used to obtain the selected action. The product identified is a product already available, that have been previously mixed by a manufacturer. There is no teaching of the products to be used or of the proportion of these products.

Marapane discusses a process for recommending a hair color agent appropriate to achieve a hair color treatment. However, similar to Macfarlane, the product selected according to Marapane is selected from a plurality of existing products. That is, the components of this product have been previously mixed in determined proportions. Thus, there is no teaching or suggestion for the products to be used or of the proportion of these products.

Grossinger discusses a method to change the color of hair by analyzing the color characteristics of the hair and determining one or several dye products that can be used to

obtain a desired final color of the hair. According to Grossinger, the dye product is a manufactured product, comprising one or several components which have already been mixed. Please see the discussion in [0086] for an example of such a dye product. Thus, assuming arguendo that the method discussed in Grossinger refers to a plurality of dye products that can be mixed together, there is no teaching or suggestion for the proportions of the dye products, no indication of the composition of each dye product or identifying the components and the proportion of these components.

Again, none of the applied art teaches or suggests determining a dye product for obtaining a theoretical coloration that differs from the target coloration by not more than a predetermined theoretical value. Accordingly, withdrawal of the rejections under 35 U.S.C. § 102 and § 103 are respectfully requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Steven P. Weihrouch
Attorney of Record
Registration No. 32,829

Kevin M. McKinley
Registration No. 43,794

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

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